

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:11-CV-44-RJC**

**TERRENCE WRIGHT EL,**

**Plaintiff,**

**v.**

**JUDGE U. DOWNS, GRAHAM  
COUNTY CLERK, STATE OF NORTH  
CAROLINA**

**Defendant.**

**ORDER**

**THIS MATTER** comes before the Court on initial review of Plaintiff's pro se Complaint filed on October 24, 2011, pursuant to 42 U.S.C. § 1983, (Doc. No. 1).

The Prisoner Litigation Reform Act ("PLRA") makes clear that "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

This subsection is known as the "three strikes" provision of the PLRA.

Court records indicate that Plaintiff has filed at least five lawsuits in this Court<sup>1</sup> that were dismissed for failure to state a claim for relief. Further, Plaintiff has not demonstrated that he is

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<sup>1</sup> See Wright v. Graham Cnty. Sheriff's Dep't, et al., No. 2:96-cv-251; Wright v. Crisp et al., No. 2:97-cv-18; Wright v. Crisp, No. 2:97-cv-30; Wright v. Wikes, No. 2:97-cv-44; Anderson-Bey, et al. v. North Carolina, et al., No. 2:08-cv-21.

under imminent danger of serious physical injury. Therefore, his Complaint must be dismissed without prejudice.

**IT IS, THEREFORE, ORDERED** that:

- (1) Plaintiff's Complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g);
- (2) Plaintiff's Application to Proceed *In Forma Pauperis* is **DENIED**;
- (3) The Clerk is directed to send a copy of this Order to the pro se Plaintiff.

Signed: October 28, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

